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8 **Attorneys for Plaintiffs**

9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF ARIZONA**

12 HEIN HETTINGA AND ELLEN
13 HETTINGA d/b/a SARAH FARMS; and
14 GH DAIRY d/b/a GH PROCESSING,

15 Plaintiffs,

16 v.

17 EDWARD T. SCHAFER, SECRETARY
18 UNITED STATES DEPARTMENT OF
19 DEPARTMENT OF AGRICULTURE;
20 JAMES R. DAUGHERTY,
21 ADMINISTRATOR OF THE ARIZONA
22 MILK MARKETING ORDER; AND
23 UNITED STATES OF AMERICA,

24 Defendants.

25 No. CV-08-2124-PHX-FJM

26 **JOINT STIPULATION TO DISMISS
27 WITHOUT PREJUDICE PURSUANT
28 TO FEDERAL RULE OF CIVIL
PROCEDURE 41(a)(1)(A)(ii)**

29
30 Plaintiffs and defendants, by and through their undersigned counsel, hereby stipulate
31 to dismissal of this action without prejudice pursuant to Rule 41(a)(1)(A)(ii), Federal Rules
32 of Civil Procedure.

33
34 Respectfully submitted this 2nd day of July, 2009.

35
36 AIKEN SCHENK HAWKINS & RICCIARDI P.C.

37 By /s/Alfred W. Ricciardi

38 Alfred W. Ricciardi
39 4742 North 24th Street, Suite 100
40 Phoenix, Arizona 85016

41 ATTORNEYS FOR PLAINTIFFS

1 TONY WEST
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3

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7 /S/PETER J. PHIPPS
8 PETER J. PHIPPS
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10 UNITED STATES DEPARTMENT OF JUSTICE
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12 P.O. Box 883
13 WASHINGTON, D.C. 20044

14 ATTORNEYS FOR DEFENDANTS
15
16

17 CERTIFICATE OF SERVICE
18

19 I hereby certify that on July 2, 2009, I electronically transmitted this Joint Stipulation
20 to Dismiss Without Prejudice Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii)
21 with the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of
22 Electronic Filing to the following CM/ECF registrants:
23

24 Peter J. Phipps
25 United States Department of Justice
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27 P.O. Box 883
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 Attorneys for Defendants

29 _____
30 /s/Arlene MacQuarrie
31